

CHAPTER 3 (Revised 9/7/04)

ORDINANCES; RESOLUTIONS; REGULATIONS

Sections:

1. Acts of the council.
2. Acts required to be by ordinance.
3. Ordinance procedure.
4. Ordinance form and content.
5. Amendments to Code; effect of new ordinances; amendatory language.
6. Supplements or revisions to the _____ City Code.
7. Emergency ordinances.
8. Ordinances confined to single subject.
9. Requirements for passage.
10. Signature.
11. Ordinance file.
12. Repeal shall not revise any ordinance.
13. Formal acts by resolution.
14. Procedures for resolutions.
15. Requirements for passage of resolutions.
16. Rules and regulations.
17. Codes of regulations.

Section 1. Acts of the council.

The council shall act only by ordinance, resolution, or motion. Law of a general, uniform, and permanent nature shall be reduced to ordinance. When the council expresses opinions, principles, facts, or propositions, it shall be in the form of a resolution.

Section 2. Acts required to be by ordinance.

In addition to other actions that the Alaska Statutes require to be by ordinance, the council shall use ordinances to:

- A. establish, alter, or abolish city departments;
- B. amend or repeal an existing ordinance;
- C. fix the compensation of members of the council;
- D. provide for the sale of city property;
- E. provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
- F. provide for the levying of taxes;
- G. make appropriations, including supplemental appropriations or transfer of appropriations;
- H. grant, renew, or extend a franchise;
- I. adopt, modify, or repeal the comprehensive plan, land use and subdivision regulations, building and housing codes, and the official map;
- J. approve the transfer of a power to a first or second class borough;
- K. designate the borough seat;
- L. provide for the retention or sale of tax-foreclosed property;
- M. exempt contractors from compliance with general requirements relating to payment and performance bonds in

- the construction or repair of municipal public works projects within the limitations set out in A.S. 36.25.025;
- N. provide for the acquisition and disposal of land or an interest in land.

Section 3. Ordinance procedure.

A proposed ordinance is introduced in writing by a member or a committee of the governing body or the mayor or manager at any lawful council meeting.

After the ordinance is introduced and read, the council shall vote on whether to set the time and date for a public hearing on the ordinance. If there are at least four votes in favor of setting a public hearing, the draft ordinance shall be assigned a reference number and the council shall publish a summary of the proposed ordinance and notice setting out the time and place for the public hearing on the proposed ordinance. The public hearing on the proposed ordinance shall follow the date the notice was published by at least five days. The public hearing may be held at any lawful council meeting.

At the public hearing, copies of the proposed ordinance shall be given to all persons present who request them or the proposed ordinance shall be read in full. During the public hearing the council shall hear all interested persons wishing to be heard. After the hearing, the council shall consider the proposed ordinance and may adopt it with or without amendment. The adopted ordinance shall be typed or printed in final form and made available to the public.

If a proposed ordinance is amended by the council after the public hearing, and the amendments are so substantial that they change the ordinance's basic character, the proposed ordinance shall be treated as a newly-introduced proposed ordinance and shall follow all the steps required for adoption of an ordinance.

Section 4. Ordinance form and content.

All ordinances enacted by the council shall be in substantially the following form:

- A. The heading: City of _____, Alaska;
- B. The ordinance number;
- C. The title, which summarizes the ordinance's provisions;
- D. The enacting clause, which shall read:
"BE IT ENACTED BY THE COUNCIL OF THE CITY OF _____, ALASKA:";
- E. The provisions of the ordinance;
- F. The dates of introduction, first reading, and public hearing;
- G. The date of adoption;
- H. Space for the signature of the mayor; and
- I. Space for the clerk's signature attesting the mayor's signature.

The form appearing at the end of this chapter illustrates the form set out in this section and is suggested for use by council members.

Section 5. Amendments to Code; effect of new ordinances; amendatory language.

All legally adopted ordinances that amend, repeal, or in any way affect this Code, shall be numbered according to the numbering system of this Code and printed and included in this Code. In the case of a chapter, section, or subsection or any part thereof that is legally repealed, the repealed portion shall be removed from the Code by deleting it from the affected pages and reprinting the affected pages.

Amendments to any of the provisions of this Code shall be made by specific reference to the section number of this Code in substantially the following language: "Chapter_____, Section_____ of the Code of Ordinances of the City of _____, Alaska is hereby amended to read as follows:". The new chapter or section shall then be set out in full as desired.

If a new chapter or section is to be added to the Code, the following language shall be used: "The Code of Ordinances of the

City of _____, Alaska is hereby amended by addition of a chapter or section, to be numbered _____, which chapter or section reads as follows:". The new chapter or section language shall then be written in full.

All sections, articles, chapters or provisions that are being repealed must be specifically repealed by section, article, or chapter number, as the case may be.

Section 6. Supplements or revisions to the _____ City Code.

The _____ City Code shall be supplemented at regular intervals. All ordinances passed that amend, repeal, or in any way affect this Code, shall be codified and available as a supplement or part of the compiled code of ordinances. The Code shall be revised and printed every five years.

Section 7. Emergency ordinances.

To meet public emergencies the council may adopt emergency ordinances that are effective on adoption. Each emergency ordinance shall contain a finding by the council that an emergency exists and a statement of the facts upon which the finding is based. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present or the affirmative vote of three-fourths of the total council membership, whichever is less, is required for adoption. The council must type or print copies of adopted emergency ordinances and make them available to the public.

An emergency ordinance may not be used to levy taxes; to grant, renew, or extend a franchise; or to regulate the rate charged by a public utility for its services.

An emergency ordinance is effective for 60 days.

Section 8. Ordinances confined to single subject.

Every ordinance shall be confined to one subject, unless it is an appropriation ordinance or one codifying, revising, or rearranging existing ordinances. Ordinances for appropriations shall be confined to appropriations. The subject of each ordinance shall be stated in the title.

Section 9. Requirements for passage.

Four affirmative votes are required for the passage of an ordinance.

The final vote on an ordinance is a recorded roll call vote.

Section 10. Signature.

Each ordinance shall be signed by the mayor upon its adoption and attested by the clerk.

Section 11. Ordinance File.

The city clerk shall keep separate permanent files for ordinances that are available for public inspection. These files shall contain all introduced, passed, failed, and repealed ordinances.

Section 12. Repeal shall not revive any ordinance.

The repeal of an ordinance shall not repeal the enacting clause of the ordinance or revive any ordinance that has been repealed.

Section 13. Formal acts by resolution.

Formal acts by the council that are not required by law to be enacted by ordinance and are not acts of a general and permanent nature may be adopted by resolution. A resolution shall have:

- A. The heading: City of _____, Alaska;
- B. The space for a number to be assigned: Resolution No. _____;
- C. A short and concise title describing the resolution's subject and purpose;
- D. Short premises or WHEREAS clauses describing the reasons for the resolution, if necessary;
- E. The resolving clause: Be it Resolved;
- F. The date of adoption;
- G. Space for the signature of the mayor; and
- H. Space for the clerk's signature attesting to the signature of the mayor.

All resolutions adopted by the council whether at the request of a third party or on the motion of the council shall conform to the requirements set forth in this section.

Resolutions shall not be included in the Code, but shall be kept in a separate permanent file by the city clerk and shall be available for public inspection.

The form appearing at the end of this chapter illustrates the form set out and is suggested for use by council members.

Section 14. Procedures for resolutions.

Every resolution shall be introduced in writing and shall be orally read before any vote for passage is taken.

After adoption, every resolution shall be posted in full on the city bulletin board and in such other places as the council may direct. Every resolution, unless it shall specify a later date, shall become effective upon adoption. If the resolution is submitted at a city election when state law requires, then after a majority of favorable votes of the city voters has been certified by the council, the resolution may be adopted.

Section 15. Requirements for passage of resolutions.

Four affirmative votes are required for the passage of a resolution.

Section 16. Rules and Regulations.

Any rule or regulation made by an administrative officer or board or commission shall be posted for at least ten (10) days in three public places following its approval by the council.

Section 17. Codes of regulations.

The council may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations, such as the Uniform Plumbing Code. The regular ordinance procedure applies except that neither the code of regulations nor its amendments need to be distributed to the public or read in full at the hearings. For a period of 15 days before adoption of an ordinance under this section at least five copies of the code of regulations shall be made available for public inspection at a time and place set out in the hearing notice. Only the adoption ordinance need be printed after adoption. The council shall provide for an adopted code of regulations to be made available to the public at no more than cost.

CITY OF _____, ALASKA

ORDINANCE NUMBER _____.

AN ORDINANCE _____

BE IT ENACTED BY THE COUNCIL OF THE CITY OF _____, ALASKA:

Sections:

1. _____

2. _____

3. _____

Section 1. _____

Section 2. _____

Section 3. _____

DATE INTRODUCED: _____

FIRST READING: _____

PUBLIC HEARING: _____

PASSED and APPROVED by the _____ CITY COUNCIL this _____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

CITY OF _____, ALASKA

RESOLUTION NO. _____

A RESOLUTION _____

WHEREAS, _____

WHEREAS, _____

AND WHEREAS, _____

BE IT RESOLVED: _____

PASSED and APPROVED by the _____ CITY COUNCIL this _____ day of _____, 20

Mayor

ATTEST:

City Clerk